

## **Part 4**

### **Certification of Coal Miners**

#### **40-2-401 Necessity of certificate.**

- (1) A person may not work in an occupation referred to in Section 40-2-402 unless granted a certificate by the commission.
- (2)
  - (a)
    - (i) The commission may grant a temporary coal mine foreman certificate or a temporary coal mine surface foreman certificate to an applicant who is:
      - (A) recommended by a coal mine; and
      - (B) interviewed and found competent by two panel members.
    - (ii) A certificate granted under Subsection (2)(a)(i) remains in effect until:
      - (A) the next scheduled certification test;
      - (B) the person is retested; or
      - (C) the commission terminates the certificate.
  - (b)
    - (i) The commission may grant a surface foreman certificate to a current holder of an underground mine foreman certificate, if the applicant has three years of varied surface mining experience.
    - (ii) A surface foreman certificate applicant may receive credit for surface experience in any other industry that has substantially equivalent surface facilities, if the applicant has performed or is presently performing the duties normally required of a surface foreman.
- (3)
  - (a) The commission shall collect a fee described in Subsection (3)(b) for each temporary certificate.
  - (b) The commission shall establish the fee by following Section 63J-1-504.
- (4)
  - (a) An owner, operator, contractor, lessee, or agent may not employ a worker in any occupation referred to in Section 40-2-402 who is uncertified.
  - (b) The certificate shall be on file and available for inspection to interested persons in the office of the coal mine.
- (5) The commission shall grant a certificate to an applicant referred to in Section 40-2-402 who:
  - (a) passes the certification test administered by the panel; and
  - (b) meets the qualifications specified in Section 40-2-402.
- (6)
  - (a) The commission may grant a certificate to an applicant involved in gilsonite or other hydrocarbon mining as provided by rule.
  - (b) The commission shall enact rules governing the certification procedure, test, and qualifications for applicants involved in gilsonite or other hydrocarbon mining.
- (7) The commission may by rule require certification and recertification of other coal mine occupations, including the certification of a new coal miner.

Amended by Chapter 183, 2009 General Session

#### **40-2-402 Certification requirements.**

- (1) The commission shall collect a fee for:

- (a) the taking of a certification test; or
  - (b) the retaking of one or more sections of a certification test.
- (2)
- (a) The commission shall establish fees by following Section 63J-1-504.
  - (b) Notwithstanding Section 63J-1-504, the commission:
    - (i) shall retain the fees as dedicated credits; and
    - (ii) may only use the fees to administer the certification test.
- (3) An applicant who fails any section of the certification test may retake that section of the test.
- (4)
- (a) An applicant who wishes to obtain a mine foreman certificate shall have at least four years varied underground coal mining experience, of which:
    - (i) two years' experience may be credited to a mining engineering graduate of an accredited four-year college; or
    - (ii) one year's experience may be credited to a graduate of a two-year course in mining technology.
  - (b)
    - (i) An applicant who wishes to obtain a surface foreman certificate shall have at least three years of varied surface experience.
    - (ii) The commission may grant a surface foreman certificate applicant credit for surface experience in any other industry that has substantially equivalent surface facilities.
  - (c) An applicant who wishes to obtain a fire boss certificate shall have at least two years of underground coal mining experience, of which:
    - (i) one year's experience may be credited to a mining engineering graduate of an accredited four-year college; or
    - (ii) six months' experience may be credited to a graduate of a two-year course in mining technology.
  - (d) An applicant who wishes to obtain an underground mine electrician certificate shall have at least one year of varied electrical experience as specified in 30 C.F.R. Sec. 75.153.
  - (e) An applicant who wishes to obtain a surface mine electrician certificate shall have at least one year of varied surface electrical experience as specified in 30 C.F.R. Sec. 77.103.
- (5) A certificate granted under Section 40-2-401 and this section shall expire if the certificate holder ceases to work in the mining industry or a mine related industry for more than five consecutive years.

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